

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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8/4/97

In re Patent Application of)	AFTER FINAL AMENDMENT
Darrell R. ANDERSON et al.)	Group Art Unit: 1816
Application No.: 08/476,275)	Examiner: R. SCHWADRON
Filed: June 7, 1995)	
For: THERAPEUTIC APPLICATION OF)	
CHIMERIC RADIOLABELED ANTI-)	
BODIES TO HUMAN B LYMPHOCYTE)	
RESTRICTED DIFFERENTIATION...)	

#21
HqJ
7/28/97
(NE)

REPLY PURSUANT TO 37 C.F.R. §1.116

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In further response to the Final Rejection dated April 9, 1997, and in response to the Advisory Action dated July 1, 1997, Applicants submit the following additional remarks. It is believed that these remarks should place this application in condition for allowance. However, if any issues remain outstanding after consideration of this Reply, the Examiner is respectfully requested to contact the undersigned so that prosecution of this application may be expedited.

Turning now to the Advisory Action, it is noted that the §103 rejection, based on Robinson taken in view of Anderson et al, was maintained. However, it is Applicants' understanding, based on a recent telephonic interview with Supervisory Examiner Chan and Special Progress Examiner Richard Schwartz, Ph.D., that this rejection is to be withdrawn. Essentially, it is Applicants' understanding that the rejection is to be withdrawn be-

cause the prior art, including the Anderson et al. Abstract does not enable the claimed invention. It fails to do so as the primary reference, Robinson et al, fails to teach or suggest the specific chimeric antibody which is used in the claimed therapeutic method or its unexpected properties. Moreover, the deficiency of Robinson et al is not compensated for by Anderson et al, as this reference likewise fails to enable the specific chimeric antibody. In particular, the reference does not enable the subject invention, as the disclosed cell line was not made publicly available prior to the present invention. Moreover, the Abstract does not provide any specific information which would allow one to select the specific chimeric antibody which is used in the claimed therapeutic method. For example, the Abstract does not provide the amino acid sequence or DNA sequence corresponding to this antibody. This is established based on the previously submitted §132 Declaration by Darrell Anderson. Therefore, based on the foregoing, and the recent telephonic interviews, it is Applicants' understanding that the §103 rejection based on Robinson et al, taken in view of Anderson et al, is to be withdrawn.

Applicants further note that the double-patenting rejection set forth in paragraphs 18 and 19 of the previous Office Action has been maintained. However, Applicants again respectfully note that both of these applications i.e., Serial No. 478,967 and Serial No. 475,813 are pending, and have not as yet been allowed. Therefore, it is proper for the Examiner to allow this

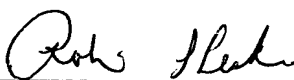
Application Serial No. 08/476,275
Attorney's Docket No. 012712-155

application, and then maintain the double-patenting rejection, if warranted, in the assertedly conflicting application. Indeed, such course of action is expressly suggested by the M.P.E.P. Therefore, it is respectfully requested that this rejection be withdrawn and this application be passed to issue.

Based on the foregoing, it is believed that these remarks should place this application in condition for allowance. A Notice to that effect is respectfully solicited. However, if any issues remain outstanding, the Examiner is again respectfully requested to contact the undersigned so that prosecution of this application may be expedited.

Respectfully submitted,

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